IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.Rev.Pet.No. 766 of 1998()

CRA.91/1997 of ADDL. SESSIONS COURT, THRISSUR
ST.1753/1994 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

.....

REVN. PETITIONER: APPELLANT/ACCUSED

SIVAN
S/O.PATTATHIL SANKARAN
PURANATTUKARA DESOM, ADAT VILLAGE,
THRISSUR DT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE S.I. OF POLICE, PAVARATTY.

BY PUBLIC PROSECUTORSRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.766/1998

ORDER ON CRL.M.P.NO.3909/1998 IN CRL.R.P.NO.766/1998

DISMISSED

5.3.2007 Sd/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.766 of 1998

Dated this the 5th day of March, 2007

ORDER

Revision petitioner stands convicted for the offences under Sections 279 and 338 IPC and sentenced to R.I. for three months for the offence under Section 279 IPC and R.I. for three months for the offence under Section 338 IPC.

2. The prosecution case is that on 26.12.1993, at 1.30 P.M. in the noon time, accused drove his car in a rash and negligent manner and hit on a motor cyclist who was proceeding through the opposite direction. The evidence adduced consisted the testimony of PW's 1 to 6 and Exts. P1 to P7. The motor cyclist sustained injuries including head injury and fracture of both bones of right leg and other minor injuries. It has found that the car was driven through the wrong side. PW's 1 and 2 occurrence witness has identified the accused. It was also brought out that the car had no mechanical defect from the evidence of PW5, the AMVI and his report i.e., Ext. P5. Both the courts below have considered the evidence in detail and

convicted the revision petitioner/accused. On a consideration of the evidence adduced, I find that there is no reasons to interfere. The conviction is confirmed.

3. The counsel for the revision petitioner has sought for leniency. The incident has taken place in the year 1993 and more than a decade is over after the incident. In the circumstances, the sentence for the offence under Section 338 is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW1 vide Section 357(3) of Crl.P.C. and in default, to undergo simple imprisonment for three months. No separate sentence is to be awarded for the offence under Section 279 IPC. The revision petitioner shall appear before the Judicial First Class Magistrate Court, Chavakkad on 10.4.2007 to receive the sentence.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.929 of 1997

ORDER

26th February, 2007